

**Indiana Department of Environmental Management
Office of Water Quality
Notice of Public Comment Period and Public Meetings
Updated List of Impaired Waters under Section 303(d) of the CWA**

INTRODUCTION

The Indiana Department of Environmental Management's (IDEM) Office of Water Quality is preparing to update its List of Impaired Waters, as required by Section 303(d) of the federal Clean Water Act. Under the Act, each state is required to assess its waters for compliance with the state's water quality standards, which are developed to protect beneficial uses for which the waters may be designated (fishing, swimming, drinking, etc.). The state is then required to periodically prepare and make public a list of those waters not meeting water quality standards after the implementation of technology-based effluent limits or other pollution control programs. The Impaired Waters List will include the portion of the waterbody that is impaired, the pollutant(s) not meeting water quality standards thus causing the impairment, and a schedule for development of a Total Maximum Daily Load (TMDL) for the pollutant causing the impairment. The list must be submitted to EPA by October 1, 2002.

A TMDL evaluation is a process that leads to the quantification of the amount of a specific pollutant discharged into a waterbody that can be assimilated and still meet the water quality standards. What constitutes a pollutant is described in section 502(6) of the Clean Water Act, and includes materials such as sewage, chemical wastes, biological materials, and industrial, municipal, and agricultural waste. The definition also encompasses drinking water contaminants that are regulated under section 1412 of the Safe Drinking Water Act. The TMDL will identify how much of the pollutant is coming from point sources and nonpoint sources. It will also specify the amount of pollutant reduction necessary from each source in order to meet the water quality standard set for that pollutant. A plan to reduce the amount of the pollutant coming from each source will be developed and implemented. The public will be invited to participate in the plan to develop and implement the TMDL.

REQUEST FOR PUBLIC COMMENTS

Pursuant to IC 13-18-2-3, the 2002 list will have a 90-day public comment period. The public is invited to review the list, and offer comments and suggestions as to the specific waterbodies included. Any person having water quality data to support or refute the listing of a specific waterbody or to add a waterbody to the list will be able to provide that information to IDEM during the public comment period. The list will also be available March 1 on IDEM's website at <http://www.in.gov/idem/>, Browse Topics for Water. Mailed comments should be addressed to:

Timothy Kroeker, 303(d) List Manager
Assessment Branch
Office of Water Quality
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, IN 46206-6015

Hand delivered comments will be accepted by the receptionist on duty at the IDEM Assessment Branch offices located at 2525 N. Shadeland Avenue, Suite 100, Monday through Friday between 8:15 a.m. and 4:45 p.m.

Comments by facsimile may be sent to (317) 308-3219, Monday through Friday between 8:15 a.m. and 4:45 p.m. Please confirm timely receipt of faxed comments by calling Timothy Kroeker at 317-308-3205, or toll free at (800) 451-6027.

PUBLIC COMMENT PERIOD DEADLINE

This public comment period will begin on March 1, 2002, and end on May 29, 2002. Comments must be postmarked, hand delivered or faxed no later than May 29, 2002.

PUBLIC MEETINGS

IDEM is planning three statewide public meetings to discuss the list. These meetings will be held on the following dates:

Tuesday, March 5th - 7:00 p.m.- 9:00 p.m.
Indiana Vocational Technical College (IVY Tech) Auditorium
1 West 26th St
Indianapolis IN 46206

Tuesday, March 19th - 7:00 p.m.- 9:00 p.m.
Vincennes University Cafeteria
850 College Avenue
Jasper IN 47546

Wednesday, March 27th - 7:00 p.m.- 9:00 p.m.
Plymouth Public Library
201 N. Center St
Plymouth IN 46563

CONSOLIDATED LISTING METHODOLOGY

For the development of the 2002 303(d) list, the Indiana Department of Environmental Management (IDEM) has followed, to the degree possible, the 305(b) and 303(d) reporting methods outlined in the United States Environmental Protection Agency's (EPA) 2002 Integrated Water Quality Monitoring and Assessment Report Guidance. This integrated report is designed to satisfy the Clean Water Act (CWA) requirements for both Section 305(b) water-quality reports, and Section 303(d) lists. The 303(d) list was developed using the 305(b) Assessment Database. Interpretation of the data and listing decisions take into account IDEM's assessment methodologies, EPA guidance, and recommendations outlined by Indiana's TMDL Advisory Group.

One aspect of the Integrated Water Quality Monitoring and Assessment Report Guidance calls for a comprehensive listing of all monitored or assessed water bodies in the state based on the state's assessment and listing methodology. Each waterbody is to be placed in one of five categories depending on the degree to which it supports designated uses.

Delineation of these water-bodies or assessment units (AUs) will be based on the National Hydrography Dataset (NHD). The NHD is a database created by EPA and the United States Geological Survey that provides a comprehensive coverage of hydrographic data for the United States. It uniquely identifies and interconnects the stream segments that comprise the nation's surface-water drainage system. It also contains information for other common surface water bodies such as lakes, reservoirs, estuaries, and coastlines. States may use spatial resolution on a finer scale than the NHD, but EPA will translate that resolution into the NHD system. An explanation of the five categories is given below. The actual 303(d) list will consist of all AUs listed in category five. [It should be noted that the guidance does not change existing rules for listing and de-listing. The existing regulations still require states, at the request of the EPA's Regional Administrator, to demonstrate good cause for not including waterbodies on the 303(d) list that were included on previous 303(d) lists (pursuant to 40 C.F.R. 130.7(b)(6)(iv)).]

5 Categories for all assessed and/or monitored AUs (Assessment Units) in Indiana.

- 1) Attaining the water quality standard and no use is threatened.** AUs should be listed in this category if there are data and information that meet the requirements of the state's assessment and listing methodology and support a determination that the water quality standard is attained and no use is threatened.
- 2) Attaining some of the designated uses; no use is threatened; and insufficient or no data and information is available to determine if the remaining uses are attained or threatened.** AUs should be listed in this category if there are data and information which meet the requirements of the state's assessment and listing methodology to support a determination that some, but not all, uses are attained and none are threatened.
- 3) Insufficient or no data and information to determine if any designated use is attained.** AUs should be listed in this category where the data or information to support an attainment determination for any use is not available, consistent with the requirements of the state's assessment and listing methodology.
- 4) Impaired or threatened for one or more designated uses but does not require the development of a TMDL .**
 - A. TMDL has been completed and approved by EPA.** Monitoring should be scheduled for these AUs to verify that the water quality standard is met when the water quality management actions needed to achieve all TMDLs are implemented.
 - B. Other pollution control requirements are reasonably expected to result in the attainment of the water quality standard in the near future.** Consistent with the regulation under 130.7(b)(i),(ii), and (iii), AUs should be listed in this subcategory where other pollution control requirements required by local, state, or federal authority are stringent enough to achieve any water quality

standard (WQS) applicable to such waters. Monitoring should be scheduled for these AUs to verify that the water quality standard is attained as expected.

C. **Impairment is not caused by a pollutant.** AUs should be listed in this subcategory if the impairment is not caused by a pollutant.

- 5) **The water quality standard is not attained. The AU is impaired or threatened for one or more designated uses by a pollutant(s), and requires a TMDL.** This category constitutes the Section 303(d) list of waters impaired or threatened by a pollutant(s) for which one or more TMDL(s) are needed. An AU should be listed in this category if it is determined, in accordance with the state's assessment and listing methodology, that a pollutant has caused, is suspected of causing, or is projected to cause an impairment. Where more than one pollutant is associated with the impairment of a single AU, the AU will remain in Category 5 until TMDLs for all pollutants have been completed and approved by EPA.

A logic diagram summarizing how AUs are to be placed in the five categories above can be found in Figure 1.

Table 1 consists of Category 5 Assessment Units or the 303(d) list of impaired waters for Indiana.

DEVELOPMENT OF DRAFT 2002 303(d) LIST

The TMDL development schedule corresponds with IDEM's basin-rotation monitoring schedule. The Indiana Department of Environmental Management has divided the state into five major water management basins. The monitoring strategy calls for rotating through each of these basins once every five years. Waters on the 303(d) list will be targeted for additional work as sampling crews are working in the respective basins. To take advantage of all available resources for TMDL development, waters on the 303(d) list will be scheduled for TMDL development according to the basin-rotation schedule unless there is a significant reason to deviate from this schedule. Waters have been scheduled to begin TMDL development over 15 years (2002 – 2016). Since the Clean Water Act does not clearly define the timeline for TMDL development, EPA, in response to the Federal Advisory Committee Act (FACA) Committee's recommendations, issued guidance for States to develop expeditious schedules of not more than 8 – 15 years.

The 2002 303(d) list contains 485 waterbodies compared to 208 for the 1998 303(d) list. Further review may indicate some of the waterbodies on the 1998 list should be listed under another category. This does not necessarily reflect a declining trend in water quality, but is primarily a by-product of improved and increased monitoring. In addition the list does not imply that all impaired waters of the state are listed. For a stream to be listed it must have been monitored and the data collected must support 303(d) listing.

As mentioned under the consolidated listing methodology section of this document, the 2002 303(d) list was developed using IDEM's 305(b) assessment database. The data sources for the 305(b) database include the following:

- 1) Indiana Department of Environmental Management (IDEM) 305(b) Reports
- 2) IDEM Fixed Station Monitoring Data
- 3) IDEM TMDL Program Sampling Data
- 4) ISDH Fish Consumption Advisory
- 5) IDEM Fish And Macroinvertebrate Biological Survey Data
- 6) IDEM Surficial Aquatic Sediments Data
- 7) IDEM Lake Water Quality Assessment Program Data
- 8) IDEM Pesticide Monitoring Program Data
- 9) IDEM Bacteriological Sampling Program Data
- 10) IDEM Watershed Monitoring Program Data
- 11) 1991-1992 EPA fish community survey data for the Central Corn Belt Plain and the White River drainage
- 12) Dr. James Gammon's 1997 report on the biological assessment of several streams in west central Indiana
- 13) Marion County Health Department data
- 14) Ohio River Valley Water Sanitation Commission (ORSANCO) Ohio River monitoring data
- 15) 1997 Bloomington/Monroe County Urban Non-point Source Pollution Assessment and Brief Planning Feasibility Study
- 16) USGS water quality data
- 17) Indiana Department of Natural Resources (IDNR) Fishery Reports
- 18) Most recent Section 319(a) non-point assessment data
- 19) Safe Drinking Water Act Section 1453 Source Water Assessment data
- 20) 1998 303(d) list
- 21) Data from various other sources considered valid for 303(d) listing

Further information about the 2002 Impaired Waters List can be obtained by contacting Timothy Kroeker at 317-308-3205 or tkroeker@dem.state.in.us, or by calling IDEM's toll free number 1-800-451-6027.